

Lexington, Kentucky November 3, 2005

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on November 3, 2005 at 7:00 P.M. Present were Mayor Teresa Ann Isaac in the chair presiding and the following members of the Council: Council Members Moloney, Myers, Scanlon, Shafer, Stevens, Stinnett, Wigginton, Brown, Cegelka, DeCamp, Ellinger, Farmer, Gorton, Lane and McChord.

The reading of the Minutes of the previous meeting was waived.

Ordinances No. 286-2005 thru 296-2005 inclusive and Resolutions No. 584-2005 thru 612-2005 inclusive were reported as having been signed and published, and were ordered to record.

Lexington, Kentucky November 3, 2005

The Invocation was given by Pastor Rick Stone, First Free Will Baptist Church.

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The following ordinances were given second reading and passed by the following

vote:

Aye: Moloney, Myers, Scanlon, Shafer, Stevens, Stinnett, Wigginton,
Brown, DeCamp, Ellinger, Farmer, Gorton, Lane, McChord ----- 14

Nay: ----- 0
(Mr. Cegelka was absent when the vote was taken.)

An Ordinance changing the zone from a Single Family Residential (R-1D) zone to a Planned Neighborhood Residential (R-3) zone, for 0.35 net (0.40 gross) acre of property located at 852 Campbell Lane, subject to certain use restrictions imposed as conditions of granting the zone change. (RML Construction, RLLP)

An Ordinance amending Section 8-5(n) of the Zoning Ordinances to reduce the required off-street parking for family child care in residential zones (zones R-1A, R-1B, R-1C, R-1D, R-1E, R-1T, R-2, R-3, R-4 and R-5) from a minimum of three spaces to a minimum of one space in addition to that required for the dwelling.

An Ordinance amending Section 1-11 and 8-21(b), (d), (n) and (o) of the Zoning Ordinance to define “retail sales establishment,” “retail sales establishment, bulk merchandise,” “wholesale establishment,” and “wholesale establishment with warehouse,” to allow outdoor recreational facilities that are accessory to indoor recreational activities as conditional uses, and to allow office/warehouse mixed use projects and certain additional office uses in the Wholesale and Warehouse Business (B-4) and Light Industrial (I-1) zones.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Public Service Supervisor, Grade 111N, and creating one (1) position of Telecommunications Support Specialist, Grade 113N, in the Dept. of General Services, and appropriating funds pursuant to Schedule No. 87.

An Ordinance amending Section 22-5 of the Code of Ordinances abolishing one position of Forensic Technician, Grade 109N, and one position of Chief Deputy Coroner, Grade 113N, and creating one position of Staff Assistant Sr., Grade 108N, and one position of Deputy Coroner, Grade 112N, all in the Coroner's Office, and appropriating funds pursuant to Schedule No. 92.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and reappropriating funds, Schedule No. 90.

An Ordinance levying special improvement assessments under KRS Chapter 67A for neighborhood sewer projects for redemption of bond issues.

An Ordinance amending Section 21-27(f) of the Code of Ordinances to provide for fifty (\$50.00) supplemental pay for field training officers in the Div. of Community Corrections, to become effective November 1, 2005.

An Ordinance amending section 2 of Ordinance No. 203-2005 to correct the salaries of employees that were inverted by the reclassification of Sharick Edmonds, in the Div. of Solid Waste and the Div. of Streets, Roads & Forestry, to become effective retroactive to March 16, 2005, and appropriating funds pursuant to Schedule No. 94.

An Ordinance authorizing the purchase and installation of an emergency power generator by the Division of Fire and Emergency Services for the E-911 Communications Center and authorizing payment to Whayne Power Systems for hardware at a cost not to exceed \$22,491.00 and Arrow Electrical Contractors for installation and load balancing and freight and crane rental at a cost not to exceed \$46,850.00, and appropriating funds pursuant to Schedule No. 97.

An Ordinance requesting that the architects involved with the Bluegrass-Aspendale Hope VI Project hold a three-day design charrette at Shiloh Baptist Church involving the residents of the Bluegrass-Aspendale area and the surrounding neighborhoods at a cost not to exceed \$15,000.00 and appropriating funds pursuant to Schedule No. 98.

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The following ordinances were given first reading and ordered placed on file two weeks for public inspection.

An Ordinance amending and reenacting Chapter 18C of the Code of Ordinances, of the Lexington-Fayette Urban County Government, relating to the provision of ambulance service to establish definitions and to provide for minimum general requirements, minimum insurance coverage requirements, mutual aid agreements and availability and limitations on support, use of warning lights and sirens, exemption from traffic ordinances, advanced life support equipment requirements, copies of protocols

and standing orders to be provided to hospitals and the Emergency Medical Advisory Board, registration of ambulances for a fee of twenty dollars plus license fee for each ambulance and completion and submission of an application, registration valid to the end of calendar year, automatic renewal upon payment of fees, issuance of a permit, non-transferability of permits, prohibition against operation while any required state or federal certificate, license, or permit is suspended, revoked, cancelled, or terminated, automatic revocation of registration and permit upon revocation, cancellation, or termination of any required state or federal certificate, license, or permit, complaint procedure, retention and inspection of documents, penalty not to exceed \$1,000 per violation, and to create the Emergency Medical Advisory Board consisting of fifteen members and providing for the terms of its members, its quorum, its officers, and its duties; and repealing Chapter 18D, all effective January 1, 2006.

An Ordinance authorizing the Mayor to execute a Lease Agreement for thirteen (13) months, automatically renewable for subsequent terms of twelve months each, with Dynamic Educational Systems, Inc. (DESI) for two offices at the Central Ky. Job Center (1055 Industry Road) for a monthly rental fee of \$550.00 per office plus incidental office expenses, and appropriating funds pursuant to Schedule No. 95.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures and appropriating and reappropriating funds, Schedule No. 96.

An Ordinance authorizing the Mayor to execute an Engineering Services Agreement with CDP Engineers, Inc., for the Gainesway Retention Basin Retrofit Project, at a cost not to exceed \$57,850.00, and appropriating funds pursuant to Schedule No. 100.

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An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds for the Council Heating Initiative Program (CHIP), and appropriating and reappropriating funds, Schedule No. 103 was given first reading.

Mr. Brown stated that he had requested information from Budgeting on the schedule for the ordinance.

The ordinance was ordered placed on file two weeks for public inspection.

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Upon motion of Ms. Shafer, seconded by Ms. Gorton and passed by majority vote (Mr. Cegelka was absent and Mr. Farmer voted no), an Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for Neighborhood Development Funds for asphalt pedways on Southland Drive, and appropriating and re-appropriating funds, Schedule No. 104 was placed on the docket and given first reading.

Mr. Farmer asked a question of Ms. Shafer regarding the policy for walking on neighborhood development fund requests.

The ordinance was ordered placed on file two weeks for public inspection.

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Upon motion of Dr. Stevens, seconded by Mr. McChord and passed by unanimous vote (Mr. Cegelka was absent), an Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds for Adult Services/Broadway Shoppes renovation, and appropriating and re-appropriating funds, Schedule No. 105 was placed on the docket, given first reading and ordered placed on file two weeks for public inspection.

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The following resolutions were given second reading and passed by the following vote:

Aye: Moloney, Myers, Scanlon, Shafer, Stevens,
Stinnett, Wigginton, Brown, Cegelka, DeCamp,
Ellinger, Farmer, Gorton, Lane, McChord ----- 15

Nay: ----- 0

A Resolution accepting the bid of Harrod Concrete & Stone Co. establishing a price contract for wet mix concrete, for the Div. of Streets, Roads and Forestry.

A Resolution accepting the bid of Hurst Office Suppliers establishing a price contract for copier and computer paper, for the Div. of Central Purchasing.

A Resolution authorizing the Div. of Traffic Engineering pursuant to Code of Ordinances Section 18-66, designating the speed limit on Berea Road as 40 miles per hour and authorizing the Div. of Traffic Engineering to install proper and appropriate signs in accordance with the designation.

A Resolution authorizing the Mayor to execute and submit an application to the U.S. Dept. of Homeland Security and to provide any additional information requested in connection with this Application for an Advanced Portable Detector under the Commercial Equipment Direct Assistance Program (CEDAP).

A Resolution authorizing the Mayor to execute Agreements with Manchester Center, Inc. (\$1,100.00), The Leukemia & Lymphoma Society, Inc. (\$675.00), and Lexington Model Airplane Club, Inc. (\$850.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing the Mayor to execute a Master Agreement with the Commonwealth of Ky. for reimbursement of funds expended on behalf of Hurricane Katrina evacuees.

A Resolution authorizing the Mayor to execute an Agreement with the Fayette County Local Development Corp. for a preliminary architectural and engineering assessment of the building located at 201 West Fifth Street (formerly Russell School) for use as a community center, at a cost not to exceed \$50,000.00.

A Resolution authorizing the Mayor to execute Change Order No. 2 to the contract with Jarboe Construction, Inc., for the construction of the office for the Ky. Dept. for Employment Services, increasing the contract price by the sum of \$2,564.00 from \$365,000.00 to \$367,564.00.

A Resolution ratifying the probationary civil service appointments of: Sean Simmons, Engineering Technician, Grade 111N, \$13.038 hourly, in the Div. of Engineering, effective October 31, 2005, Cheryl Bryant, Budget Technician, Grade 112N, \$18.500 hourly, in the Div. of Budgeting, effective October 31, 2005, Jennifer Day, Microcomputer Support Specialist, Grade 113N, \$16.725 hourly, in the Div. of Computer Services, effective October 3, 2005, Tommie Johnson, Equipment Operator, Grade 108N, \$14.553 hourly, in the Div. of Sanitary Sewers, effective October 17, 2005, Pam Whitaker, Staff Assistant, Grade 107N, \$15.168 hourly, in the Div. of Planning, effective October 31, 2005, Bryan Helton, Code Enforcement Officer, Grade 113N, \$16.200 hourly, in the Div. of Building Inspection, effective October 31, 2005, Roger Hamperian, Records Management Analyst Sr., Grade 113N, \$20.00 hourly, in the Council Clerk's Office, effective October 31, 2005; ratifying the permanent civil service appointments of: Dawn Angarone,

Administrative Specialist, Grade 110N, in the Div. of Risk Management, effective October 18, 2005, Ashley Case, Human Resources Analyst, Grade 115E, in the Div. of Human Resources, effective October 4, 2005, Shannon Wilson, Communications Officer, Grade 111N, in the Div. of Police, effective March 27, 2005, Donna Sayre, Communications Officer Sr., Grade 113N, in the Div. of Police, effective July 10, 2005, Scott Osborne, Communications Shift Manager, Grade 116E, in the Div. of Police, effective April 4, 2005, Johnesia Harris, Administrative Specialist, Grade 110N, in the Div. of Police, effective August 7, 2005, Christy Davenport, Staff Assistant, Grade 107N, in the Div. of Police, effective July 17, 2005, Todd Caudill, Communications Officer, Grade 111N, in the Div. of Police, effective March 20, 2005; ratifying the permanent sworn appointments of: James Taulman, Brian Potts, Justin McFarland, David Davis II, Tony Brown, Jeff Nally, Mark Rogers, Thomas Merideth and Gerald Evans, Firefighter, Grade 311N, in the Div. of Fire, effective October 25, 2005; approving the unclassified civil service appointment of: Anthony Delimpo, Police Trainee, Grade 311N, \$14.560 hourly, in the Div. of Police, effective September 26, 2005, Jeffrey Fugate, Police Trainee, Grade 311N, \$14.560 hourly, in the Div. of Police, effective September 26, 2005.

A Resolution authorizing the Mayor to execute an Agreement with The Race for Education, Inc. (\$1,100.00) for the Office of the Urban County Council, at a cost not to exceed the sum stated.

A Resolution authorizing the Mayor to execute Change Order No. 2 to the contract with CNOTP Railway Co. (Norfolk Southern Railway Co.), for West Reynolds Road Widening Project, increasing the contract price by the sum of \$3,000.76 from \$1,295,121.09 to \$1,298,121.85.

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A Resolution directing the Administration of the Urban County Government to provide the Urban County Council with a written comprehensive action plan for steps that can be taken immediately in response to the audit report prepared by the Div. of Internal Audit and dated August 15, 2005 for the Div. of Solid Waste and authorizing the Administration to issue a request for proposals to engage a consultant to review the financial records and operations of the Div. of Solid Waste and make recommendations for any necessary changes or restructuring was on the docket for second reading.

Mr. Cegelka and Mr. Lane asked questions of Mr. Jay Whitehead, Commissioner of the Dept. of Public Works, regarding information they had requested concerning the resolution.

The resolution was given second reading and passed by the following vote:

Aye: Moloney, Myers, Scanlon, Shafer, Stevens,
Stinnett, Wigginton, Brown, Cegelka, DeCamp,
Ellinger, Farmer, Gorton, Lane, McChord ----- 15

Nay: ----- 0

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The following resolutions were given second reading and passed by the following vote:

Aye: Myers, Scanlon, Shafer, Stevens, Stinnett,
Wigginton, Brown, Cegelka, DeCamp,
Ellinger, Farmer, Gorton, Lane, McChord ----- 14

Nay: Moloney ----- 1

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying permanent sanitary sewer and temporary construction easements from Loudon Properties, Inc., located at 201 West Loudon Avenue, for the North Elkhorn Force Main Project, and authorizing payment in the amount of \$6,575.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying permanent sanitary sewer and temporary construction easements from Lillian Jones and Anna Margaret Hamilton, co-trustees of the T/U/W of Gladys E. Hicks, located at 1629 Old Paris Road, for the North Elkhorn Force Main Project, and authorizing payment in the amount of \$2,225.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying permanent sanitary sewer and temporary construction easements from Bobbie and Sylvia Waller, located at 824 West Main Street, for the North Elkhorn Force Main Project, and authorizing payment in the amount of \$2,800.00, plus usual and appropriate closing costs.

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The following resolutions were given first reading. Upon motion of Ms. Shafer and seconded by Ms. Gorton, the rules were suspended by unanimous vote. The resolutions were given second reading and passed by the following vote:

Aye: Moloney, Myers, Scanlon, Shafer, Stevens,
Stinnett, Wigginton, Brown, Cegelka, DeCamp,
Ellinger, Farmer, Gorton, Lane, McChord ----- 15

Nay: ----- 0

A Resolution accepting the bid of Life Star Rescue, Inc., in the amount of \$718,072.00, for emergency care units, for the Div. of Fire.

A Resolution accepting the bid of Intech Contracting, LLC, in the amount of \$65,890.00, for Martin Luther King Boulevard Bridge repair.

A Resolution proclaiming the Lexington-Fayette Urban County Government's recognition and support of Mrs. Rosa Parks and her lifelong commitment to civil and human rights and offering its condolences to her family and many supporters, and hereby notifying the Rosa and Raymond Parks Institute for self-development and the Rosa Parks Elementary School, Lexington, Ky., of this Proclamation.

A Resolution authorizing and approving the donation of Archival Newspapers and shelving to the University of Ky. Libraries, and directing the Council Clerk to make the donation.

A Resolution accepting the price quote of Source Imaging, LLC, a sole source local provider, for Liberty Imaging Software Maintenance, in an amount not to exceed the sum of \$47,500.00.

A Resolution amending Resolution No. 555-2005 which authorized the execution of an Agreement with the Bluegrass Miracle League, Inc. to increase the amount from four thousand dollars (\$4,000.00) to four thousand one hundred dollars (\$4,100.00) for the Office of Urban County Council.

A Resolution relating to the issuance by the Ky. Economic Development Finance Authority of Revenue Bonds to Finance, among other things, costs incurred by Baptist Healthcare System, Inc., in constructing and acquiring certain hospital facilities in the Urban County; and waiving review by the Industrial Revenue Review Board.

A Resolution authorizing the Mayor to execute an Entry Permit with R. J. Corman Railroad Company/Central Ky. Lines, for Lexington-Fayette Urban County Government

personnel to access sanitary sewer lines in need of repair that run through property owned by R. J. Corman near Thompson Road and Forbes Road, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying a greenway from Coldiron-Veith Construction Corp. located at 3591 Lochdale Terrace, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and a public acquisition plat and to accept a Deed conveying a greenway from My Olde Ky. Home, LLC, at 400 Joseph Bryan Way, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying a greenway from Lochdale Development, Inc., located at 3760 Winthrop Drive, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying a greenway from Premier Construction, LLC, and Eirecon, LLC, located at 3860 Lochdale Terrace, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute a Release and Agreement with Sturley Investments, Inc., for the provision of a burn house for fire training at 2262 Frankfort Court, Lexington, Ky. at no cost to the Urban County Government.

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A Resolution ratifying the probationary civil service appointments of: Anna Burkett, Certified Medical Assistant, Grade 108N, \$15.898 hourly, in the Div. of Family Services, effective November 14, 2005, Amanda Smith, Engineering Technician Sr., Grade 113E, \$1,300.00 bi-weekly, in the Div. of Engineering, effective November 14, 2005, Rosemary Olive, Administrative Specialist, Grade 110N, \$15.898 hourly, in the Div. of Risk Management, effective November 14, 2005, Rebecca Rivera, Equipment Operator Sr., Grade 109N, \$16.477 hourly, in the Div. of Solid Waste, effective November 14, 2005, Ian Davis, Graphic Designer, Grade 112N, \$16.504 hourly, in the Div. of Traffic Engineering, effective October 17, 2005, Sheila Collins, Engineering Technician, Grade 111N, \$14.304 hourly, in the Div. of Engineering, effective November 14, 2005, Donald Warner, Equipment Operator Sr., Grade 109N, \$16.811 hourly, in the Div. of Sanitary Sewers, effective October 31, 2005, Jerry Crowders, Equipment Operator Sr., Grade 109N, \$17.348 hourly, in the Div. of Solid Waste, effective November 14, 2005, Brandon M.

Dunstan, Graphic Assistant, Grade 109N, \$11.467 hourly, in the Div. of Parks, effective November 14, 2005, Mandi Bartley, Administrative Specialist Sr., Grade 112N, \$14.946 hourly, in the Div. of Computer Services, effective November 14, 2005, Robert Harris, Public Service Worker, Sr., Grade 107N, \$12.004 hourly, in the Div. of Parks, effective November 14, 2005, John Napier, Code Enforcement Officer, Grade 113N, \$16.200 hourly, in the Div. of Building Inspection, effective November 14, 2005, Cristeta Cortez, Associate Municipal Engineer, Grade 115E, \$2,045.60 bi-weekly, in the Div. of Engineering, effective November 28, 2005, Lola Seagraves, MMRS Project Coordinator, Grade 114E, \$1,238.72 bi-weekly, in the Div. of Environmental and Emergency Services, effective November 14, 2005, Laurie Carpenter, Staff Assistant, Grade 107N, \$12.889, in the Div. of Building Inspection, effective November 14, 2005; Misha B. Gash, Cheryl L. Crawford, David Southworth, James B. Breeze, Brain L. Bumpus II, Jason A. Eason, Frederick P. Mager, Marie R. Jude, Darrell W. Hubbart, David A. Irvin, Tanya D. Newcomb, Cassandra B. Roberts, Johnathan W. Dyer, James D. Kelley, Robert A. Garrett, Alisa M. Patterson, Arthur L. Allen, Carson W. Ritchie, Mary A. Stevens, Dwayne P. Tyree, Mary Lawrence, Lou Ann Hill, Community Corrections Officer, Grade 110N, \$12.22 hourly, in the Div. of Community Corrections, effective November 14, 2005; Marcus L. Shelby, Community Corrections Officer, Grade 110N, \$14.248 hourly, in the Div. of Community Corrections, effective November 14, 2005; Aisha Johnson, Public Service Worker, Grade 107N, \$10.331 hourly, in the Div. of Sanitary Sewers, effective November 14, 2005; Tommy Stivers, Vehicle Equipment Technician, Grade 113N, \$17.086 hourly, in the Div. of Fleet Services, effective November 14, 2005; Gerald Theisen, Probation Officer, Grade 110N, \$16.847 hourly, in the Div. of Community Corrections, effective November 14, 2005; ratifying the permanent civil service appointments of: Sean McStay, Public Service Supervisor, Grade 111N, in the Div. of Parks, effective November 16, 2005, Janet Stewart, Staff Assistant Sr., Grade 108N, in the Div. of Human Resources, effective October 4, 2005, Michael Allen, Director of Human Resources, Grade 123E, in the Div. of Human Resources, effective September 21, 2005, Arnold Sidney, Custodial Worker, Grade 102N, in the Div. of Building Maintenance and Construction, effective November 2, 2005, James Fawcett, Code Enforcement Officer, Grade 113N, in the Div. of Code Enforcement, effective October 4, 2005, Nicole Rodriguez, Human Resource Analyst,

Grade 115E, in the Div. of Human Resources, effective October 18, 2005, Phillip A. Burbage, Human Resource Analyst, Grade 115E, in the Div. of Human Resources, effective October 18, 2005, Jon Taylor, Public Service Worker Sr., Grade 107N, in the Div. of Parks, effective November 16, 2005, Urey Washington, Public Service Supervisor, Grade 111N, in the Div. of Parks, effective November 16, 2005; approving leave of absence for: Henry A. Watkins, Public Service Worker, Grade 106N, in the Div. of Parks, request ninety day Council approved leave without pay from November 5, 2005 through February 2, 2006, Darryl Stewart, Public Service Worker Sr., Grade 107N, in the Div. of Streets, Roads & Forestry, request ninety day Council approved leave without pay from November 1, 2005 through January 29, 2006; approving the unclassified civil service appointment of: Yinell Nunez, Family Support Worker Sr., Grade 112N, \$15.151 hourly, in the Div. of Family Services, effective November 14, 2005 was on the docket for first reading.

Upon motion of Ms. Shafer, seconded by Ms. Gorton and passed by unanimous vote, the resolution was amended to add the probationary civil service appointment of Jordan T. Magedanz, Community Corrections Officer, in the Div. of Community Corrections.

The resolution was given first reading as amended. Upon motion of Ms. Shafer and seconded by Ms. Gorton, the rules were suspended by unanimous vote. The resolution was given second reading and passed by the following vote:

Aye: Moloney, Myers, Scanlon, Shafer, Stevens,
 Stinnett, Wigginton, Brown, Cegelka, DeCamp,
 Ellinger, Farmer, Gorton, Lane, McChord ----- 15

Nay: ----- 0

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Upon motion of Dr. Stevens, seconded by Ms. Shafer and passed by unanimous vote, a Resolution accepting the bid of Minnifield Enterprize, Inc. in the amount of \$106,228.00, for Adult Services renovation was placed on the docket and given first reading.

Upon motion of Dr. Stevens and seconded by Ms. Shafer, the rules were suspended by unanimous vote. The resolution was given second reading and passed

by the following vote:

Aye: Moloney, Myers, Scanlon, Shafer, Stevens,
Stinnett, Wigginton, Brown, Cegelka, DeCamp,
Ellinger, Farmer, Gorton, Lane, McChord ----- 15

Nay: ----- 0

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The following resolutions were given first reading and ordered placed on file two weeks for public inspection.

A Resolution accepting the bid of Tennis Technology, Inc., in the amount of \$32,216.00, for Martin Luther King Park tennis court resurfacing.

A Resolution accepting the bid of Elite Petroleum, Inc., establishing a price contract for hydraulic oil, for the Div. of Fleet Services.

A Resolution accepting the bid of Dixie Restoration Co., in the amount of \$48,550.00, for window repairs at Phoenix Building.

A Resolution accepting the bids of Hayes Pipe Supply, Inc., and National Waterworks, Inc., establishing a price contract for repair materials for sanitary sewers, for the Div. of Sanitary Sewers.

A Resolution accepting the bids of Bluegrass Uniforms, Inc., Ky. Uniforms, Inc., and Galls, Inc., establishing a price contract for fire recruit uniforms, for the Div. of Fire.

A Resolution accepting the bid of LaDuke's Irrigation establishing a price contract for baseball field drying conditioner – supplemental, for the Div. of Parks.

A Resolution changing the street name and property address numbers of 132 Marketplace Drive to 4096 Nichols Park, of 214 Elm Tree Lane to 302 Gunn Street, of 2900 Yellowstone Parkway to 2500 Alumni Drive, 6141 and 6145 Russell Cave Road to 2575 and 2555 Mantews Lane, of 6250 Man O' War Boulevard to 2920 Polo Club Boulevard, of 675 Todd Street to 670 Tower Plaza, of 3756 Winthrop Drive to 401 Waveland Museum Lane, of 210 Betty Hope Lane to 215 Bradley Lane, and of 3251 Nicholasville Road to 111 West Reynolds Road; and changing the property address numbers of 1045 Industry Road to 1055 Industry Road, 121 Rojay Drive to 128 Rojay Drive, 3292 Eagle View Lane, Suite 190 to 3292 Eagle View Lane, Suite 150, 3443 Malabu Circle to 3446 Malabu Circle, 4435 and 4435a Old Frankfort Pike to 4431 and 4435 Old Frankfort Pike, and 910 and 920 Enterprise Court to 904 and 910 Enterprise Court; all effective thirty days from passage.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying permanent sanitary sewer and temporary construction easement from Newtown Group, LLC, located at 308-310 Newtown Road, for the North Elkhorn Force Main Project, and authorizing payment in the amount of \$1,825.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement and permanent right-of-way from William J. and Kathy M. Horn, located at 838 East Loudon Avenue, for the Loudon Avenue Improvements Project, and authorizing payment in the amount of \$900.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Lease Agreement for an initial term of eight (8) months and a second term of twelve (12) months with MES Enterprises, LLC, for space in the Triangle Center Condominiums located at 325 West Main Street, Unit 3, for the ERP Implementation Team, at a cost not to exceed the sum of \$4,375 per month for the initial term and \$5,000 per month for the second term, subject to the appropriation of sufficient funds.

A Resolution authorizing the Mayor to execute an Adopt-A-Spot Program Agreement with Pleasant Green Baptist Church, for services, at a cost not to exceed \$921.44.

A Resolution authorizing the Mayor to execute an Agreement with Sunflower Kids, Inc., for operation of a visitation center as part of the Supervised Visitation and Safe Exchange Program, at a cost not to exceed \$275,860.00.

A Resolution authorizing the Mayor to execute Agreements with Lake Area Neighborhood Association, Inc. (\$139.92) and Lafayette High School Women's Basketball, Inc. (\$1,150.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing the Mayor to execute an Agreement relating to the use of and charges for motor vehicles and boat data, with the Commonwealth of Ky. Transportation Cabinet, at a cost not to exceed \$15,000.00.

A Resolution authorizing the Mayor to execute a two (2) year Maintenance Agreement with Medtronic Physio-Control Corp., for technical service support on

Lifepak 12 defibrillators, at a cost not to exceed \$9,990.00 per year, subject to sufficient funds being appropriated in future fiscal years.

A Resolution authorizing the Mayor to execute Change Order No. 8 to the contract with D. W. Wilburn, Inc., for construction of the Day Treatment Facility for the Dept. of Social Services, increasing the contract price by the sum of \$20,668.96 from \$4,133,469.97 to \$4,154,138.93

A Resolution endorsing and supporting the Ky. Equine Education Project's ("KEEP") mission statement.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and a public acquisition plat and to accept a Deed conveying a permanent right-of-way and a temporary construction easement from Lavon Stewart, located at 663 East Loudon Avenue, for the Loudon Avenue Improvement Project, and authorizing payment in the amount of \$500.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying permanent sanitary sewer and temporary construction easements from William and Nancy Meade and David Meade, located at 826 West Main Street, for the North Elkhorn Force Main Project, and authorizing payment in the amount of \$3,325.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying permanent sanitary sewer and temporary construction easements from William and Nancy Meade and David Meade, located at 832 West Main Street, for the North Elkhorn Force Main Project, and authorizing payment in the amount of \$11,175.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying permanent sanitary sewer and temporary construction easements from William and Nancy Meade and David Meade, located at 111 Buchanan Street, for the North Elkhorn Force Main Project, and authorizing payment in the amount of \$16,650.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute an Agreement with the University of Louisville Research Foundation, for radiological health and medical planning services as

part of the Metropolitan Medical Response System (MMRS), at a cost not to exceed \$45,000.00.

A Resolution authorizing the Mayor to execute Agreements with Gainesway Neighborhood Association, Inc. (\$500.00), The African American Forum, Inc. (\$1,825.00), Encouraging Love for Seniors, Inc. (\$900.00), Knights of Columbus Charities of Ky., Inc. (\$25.00), and East Lake Neighborhood Association, Inc. (\$2,000.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

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The following communications were received from the Mayor for information only: (1) Resignation of William Parish, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective October 17, 2005; (2) Resignation of Lagonna Sharae Myers, Staff Assistant, Grade 107N, in the Div. of Adult Services, effective October 11, 2005; (3) Resignation of Harry Batson, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective November 1, 2005; (4) Resignation of Donna Sayre, Communications Officer Sr., Grade 113N, in the Div. of Police, effective October 7, 2005; (5) Resignation of Raymond T. Brandewie, MMRS Project Coordinator, Grade 114E, in the Div. of Environmental and Emergency Services, effective November 11, 2005; (6) Resignation of Craig Uliano, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective October 28, 2005; (7) Reinstatement of Thomas Gerton, Equipment Operator Sr., Grade 109N, \$11.133 hourly, in the Div. of Solid Waste, effective November 14, 2005; (8) Termination of probationary appointment of Cheryl L. Lewis, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective October 19, 2005 and (9) Transfer of Jimmy Caudill, Skilled Trades Worker Sr., Grade 112N, from the Div. of Building Maintenance and Construction to the Div. of Parks, effective October 31, 2005.

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The report from the Div. of Building Inspection for the month of September, 2005 was received and ordered filed.

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Fire Chief Robert Hendricks stated that Richard Harris has committed the offense of Misconduct in violation of KRS 95.450 and Chapter 17, Section 21-45 of the Lexington-Fayette Urban County Government Uniform Disciplinary Code in that on the 21st day of June, 2005 he acted in an inappropriate and unprofessional manner during

an interview, the employee used language that was not proper in said setting and demonstrated a lack of respect for members of the interview panel and that the appropriate punishment for this conduct is a Written Reprimand.

Upon motion of Ms. Shafer and seconded by Ms. Gorton, the disciplinary action was approved by unanimous vote.

* * *
Mr. Bernard McCarthy, 515 Harry Street, spoke concerning the funds for the Citation Boulevard Project, and on requiring developers to pay impact fees so there would be additional funds dedicated to roadways.

The Mayor asked Mr. Jay Whitehead, Commissioner of the Dept. of Public Works, to talk with Mr. McCarthy regarding his concerns with the Citation Boulevard Project.

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Mr. Bill Wheeler, 187 Jesselin Drive, stated his concerns with a discrepancy in his property tax bill, thanked Mr. Cegelka for proposing to cut taxes and suggested privatizing the Div. of Solid Waste.

* * *
Vice-Mayor Scanlon stated that Mr. Cegelka had suggested a great idea for the Government to consider privatizing the Div. of Solid Waste.

Dr. Stevens explained that Indianapolis had recently privatized their solid waste business and now the Government was taking it back over and he suggested we learn from other Government's who have had this experience.

Mr. Wigginton expressed concern about employees that would be affected by privatizing the solid waste business.

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Dr. Stevens reminded all Council Members to turn in their ballots for their recommendations for appropriations to Mr. Jerry Southers, Council Administrator, by Friday, November 4th.

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Ms. Gorton announced that leaf pick up would begin on Monday, November 7th.

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The Council adjourned at 8:08 p.m.

Deputy Clerk of the Urban County Council